REMARKS

Applicants believe that the comments that follow will convince the Examiner that the rejections set forth in the July 13, 2007 Final Office Action have been overcome and should be withdrawn. Applicants have amended claims 1, 9 and 17-18. Applicants submit that each of these changes is supported by the specification; no new matter has been added. Claims 1-18 remain for consideration.

I. THE EXAMINER'S REJECTIONS

The Examiner rejected claims 17 and 18 under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. More specifically, the Examiner stated that the Applicants' specification defines a computer program product in terms of both statutory and non-statutory embodiments.

The Examiner also rejected claims 1-6, 9-14, 17 and 18 under 35 U.S.C. §102(e) as being anticipated by Lerner U.S. Patent No. 6,954,799 (hereinafter "Lerner") as presented in the previous rejection dated December 28, 2006.

Specifically, the Examiner stated that Lerner has disclosed:

> 'A method for redirecting a user from a second web site to a first web site', comprising the steps of: (1) 'providing, by the second web site, a URL offering a product or service to the user, said URL specifying a program on the second web site' (column 11, lines 3-9); (2) 'reading, by said program, a cookie located in user's computer in response to the user activating said URL' (column 11, lines 9-14); (3) 'providing a positive determination when an inquiry by said program, from said cookie as to whether the user already possesses said product or service is true' (column 11, Lines 32-37); (4) 'redirecting, by said program, the user to the first web site when the determination of step (3) is positive determination, wherein the first web site is specified by said cookie' (column 11, lines 32-37); and (5) 'offering, by the second web site, to supply said product or service to the user when the determination of step (3) is negative' (column 11, lines 14-18); 'whereby the user who already possesses said product or

service will not receive duplicate offers to supply said product or service from multiple web sites' (column 11, lines 32-37). (Office Action dated December 28th, 2006, pp. 3-5)

Finally, the Examiner rejected claims 7,8, 15, and 16 under 35 U.S.C. §103(a) as being unpatentable over Lerner in view of the Applicants' admitted prior art as presented in the previous rejection dated December 28, 2006.

Specifically, the Examiner stated that it would have been "obvious to one of ordinary skill in the art to modify the system of Lerner by adding the ability for the program to be a client side program that is downloaded from the second web site as provided by the applicants' admitted prior art." (Office Action dated December 28th, 2006, pg. 6)

II. THE EXAMINER'S REJECTIONS SHOULD BE WITHDRAWN

The Examiner rejected claims 17 and 18 under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. Applicants have amended the claims 17 and 18 in order to recite a "A system for implementing a computer program product" thereby rendering the rejection moot. Therefore the §101 rejection to claim 17 and 18 is improper and should be withdrawn.

The Examiner also rejected claims 1-6, 9-14, 17 and 18 under 35 U.S.C. §102(e) as being anticipated by Lerner. Applicants respectfully disagree and submit that Lerner fails to teach all of the elements of Applicants' amended claims of the present application.

In contrast to Lerner, the present invention as defined by independent claims 1, 9 and 17 teaches a system and method for "redirecting a user from a second web site to a

first web site" wherein the redirecting from a second web site to a first web site comprises the steps of "providing, by the second web site, a URL offering a product or service to the user, said URL specifying a program on the second web site" and "reading, by said program, a cookie located in the user's computer through a wireless link in response to the user activating said URL." (Claim 1 of the present invention). Importantly, the present invention requires reading "a cookie located in the user's computer through a wireless link" (claim 1). Independent claims 9 and 17 contain similar limitation.

Lerner teaches a "method and apparatus for integrating distributed shared services system." More specifically, Lerner teaches:

> A user who has been to the interactive education application before, but has not seen the new version of the UA logs on and receives a cookie which contains a NAME=VALUE pair indicating the version of the UA (ver. 1.8) this user has most recently viewed (e.g., IAEDUA=1.8). The user clicks on a link to go to the interactive education application, passing the cookie to this application. The interactive education application then calls a function in the application interface library 402 to compare the last version of the UA viewed by the user (for example, from their cookie) to the latest version of the UA stored in the application interface library 402 (i.e., ver. 2.1). Having determined that the two version do not match, the application interface library 402 displays the new UA to the user and accepts the user's acknowledgment when the user views the new UA displayed. The application interface library 402 then updates the user's cookie with the NAME=VALUE pair (e.g., IAEDUA=2.1) and passes the same information to a registration database at the central server (e.g., schwab.com).
>
> When the user clicks out of the interactive education application, but returns in the same session to the interactive education application, since the cookie was updated to indicate that the user has seen the latest version of the UA, the new version of the UA (i.e., ver. 2.1) are not presented to the user for viewing. Subsequently, when the user logs on in a different session, the user is given a cookie file with the updated information from the central server's registration database (e.g., from the schwab.com registration database). At this time, when the user goes to the interactive education application, the application interface library 402 compares the

> updated information in the cookie to the latest version of the UA, and determining that the two versions of the UA match, the user is not presented with the UA for viewing again. (Lerner, Col. 11, Lines 3-37)

Hence, Lerner teaches a method for determining if the user has the latest user agreement. However, Lerner does not teach reading a cookie located in the user's computer through a wireless link.

Therefore, Applicants respectfully submit that Lerner fails to disclose "reading, by said program, a cookie located in the user's computer through *a wireless link* in response to the user activating said URL" as required by amended claim 1. Independent claims 9 and 17 contain similar limitations. Therefore, claims 1, 9 and 17 are not anticipated by Lerner, and are in condition for allowance. The Examiner is respectfully requested to withdraw the rejection.

Dependent claims 2-6, 10-14 and 18 are dependent on allowable independent claims 1, 9 and 17 and are also not anticipated by Lerner. Therefore, claims 1-18 are in condition for allowance. Hence, the Examiner is respectfully requested to withdraw the rejections.

Finally, the Examiner rejected claims 7, 8 15 and 16 under 35 U.S.C. §103(a) as being unpatentable over Lerner in view of the Applicants' admitted prior art. As shown above, Lerner failed to teach "reading, by said program, a cookie located in the user's computer through *a wireless link* in response to the user activating said URL" as required by amended claim 1. Independent claims 9 and 17 contain similar limitations. Accordingly, dependent claims 7, 8, 15 and 16 are not obviated by Lerner and Applicants' admitted prior art, alone or in combination, and are in condition for allowance. Hence, the Examiner is respectfully requested to withdraw the rejection.

III. NO NEW MATTER HAS BEEN ADDED

The amendments to the claims add no new matter. The amendments to the claims are fully supported by the specifications.

IV. CONCLUSION

Applicants submit that the specification, drawings, and all pending claims represent a patentable contribution to the art and are in condition for allowance. No new matter has been added. The claims have been amended merely to clarify the novel features of the current invention and are in no way related to patentability. Early and favorable action is accordingly solicited.

Should any changes to the claims and/or specification be deemed necessary to place the application in condition for allowance, the Examiner is respectfully requested to contact the undersigned to discuss the same. This Amendment is being timely filed. In the event that any additional fee is required for the entry of this amendment the Patent and Trademark Office is specifically authorized to charge such fee to Deposit Account No. 23-0420 in the name of Ward & Olivo.

For the reasons discussed above, all pending claims are allowable over the cited art. Reconsideration and allowance of all pending claims is respectfully requested.

Respectfully submitted,

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